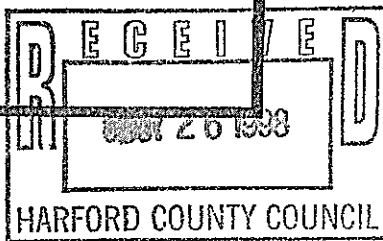


ZONING RECLASSIFICATION APPLICATION

Harford County Board of Appeals

Bel Air, Maryland 21014

Shaded Area For Office Use Only



Case No. 089
Date Filed 3/23/98
Hearing Date _____
Pre-Conf. _____
Receipt _____
Fee 700.00

Note

1. It is required that the applicant have a pre-filing conference with the Department of Planning and Zoning to determine the necessary additional information that will be required.
2. The burden of proof in any rezoning case shall be upon the Petitioner.
3. Any application in a zoning case and any amendment thereto shall contain specific allegations setting forth the basis for granting of the request.
4. Petition must contain names and addresses of all persons having legal or equitable interest in the property, including shareholders owning more than five percent (5%) of the stock in a corporation having any interest in the property, except those corporations listed and traded on a recognized stock exchange.
5. Application will be reviewed for completeness within ten (10) working days of submittal. Applicant will be notified by mail of completeness of application.

Petitioner

Name SEE ATTACHED Phone Number _____

Address _____
Street Number Street State Zip Code

Property Owner SEE ATTACHED Phone Number _____

Address _____
Street Number Street State Zip Code

Contract Purchaser N/A Phone Number _____

Address _____
Street Number Street State Zip Code

Attorney/Representative John J. Gessner, Esquire Phone Number 410-893-7500

Address 11 S. Main Street, P.O. Box 1776 Bel Air MD 21014
Street Number Street State Zip Code

Hearing: 7/13/98

Land Description

Address and Location of Property (with nearest intersecting road) Bynum Road, Forest Hill, East of Rt. 24

Subdivision _____ Lot Number _____ Acreage/Lot Size 13.9± Election District 3

Existing Zoning R2 Proposed Zoning B2 Acreage to be Rezoned 12.7±

Tax Map No. 40 Grid No. 2E Parcel 113 Deed Reference 1398/1050

Critical Area Designation N/A Land Use Plan Designation Medium Intensity/Community Center

Present Use and ALL improvements: vacant

Proposed Use (If for subdivision development, proposed number of lots, type of dwellings, and type of development.

Example: Conventional, Conventional with Open Space, Planned Residential Development) commercial

Is the property designated a historic site, or does the property contain any designated or registered historic structures?

NO If yes, describe: _____

Estimated Time Requested to Present Case: 1 Hour

Required Information To Be Attached

(Submit three (3) copies of each):

(a) The names and addresses of all persons, organizations, corporations, or groups owning land, any part of which lies within five hundred (500) feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation.

(b) A statement of the grounds for the application including:

(1) A statement as to whether there is an allegation of mistake as to the existing zoning, and if so, the nature of the mistake and facts relied upon to support this allegation.

(2) A statement as to whether there is an

allegation of substantial change in the character of the neighborhood, and if so, a precise description of such alleged substantial change.

(c) A statement as to whether, in the applicant's opinion, the proposed classification is in conformance with the Master Plan and the reasons for the opinion.

(d) A Concept Plan shall be submitted by the applicant at the time the application is filed. The Concept Plan shall illustrate the following:

(1) Location of site.

(2) Proposed nature and distribution of land uses, not including engineering drawings.

(3) Neighborhood (as defined by the Applicant).

ATTACHMENT A
FOR ZONING RECLASSIFICATION APPLICATION OF MARY S. STRETT, ET. AL.

The Zoning Reclassification Application requests the following information.

Petitioner's submission is as follows:

"(a) The names and addresses of all persons, organizations, corporations, or groups owning land, any part of which lies within five hundred (500) feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation."

Petitioner: See attachment A-1, List of Adjoining Property Owners.

"(b) A statement of the grounds for the application including:

"(1) A statement as to whether there is an allegation of mistake as to the existing zoning and, if so, the nature of the mistake and facts relied upon to support this allegation."

Petitioner: A mistake occurred in the legal sense when the subject property was zoned R2 during the last Comprehensive Rezoning in 1989. The County Council erroneously assumed that the subject property should be zoned R2. As a result of development in the area, changes in the Master Plan, Master Water and Sewer Plan and other factors which have occurred since the last Comprehensive Rezoning in 1989, the property's R2 zoning classification is no longer appropriate. The subject property should be rezoned B2 as shown on the attached plan.

3 : 3/20/98
2 : 7659.DOC
hf2

"(2) A statement as to whether there is an allegation of substantial change in the character of the neighborhood, and if so, a precise description of such alleged substantial change."

Petitioner: Petitioner makes such an allegation. As a result of development in the area, changes in the Master Plan, Master Water and Sewer Plan and other factors which have occurred since the last Comprehensive Rezoning in 1989, the neighborhood has substantially changed.

"(c) A statement as to whether, in the applicant's opinion, the proposed classification is in conformance with the Master Plan and the reasons for the opinion."

Petitioner: The proposed classification is in conformance with the Master Plan.

"(d) A concept plan shall be submitted by the applicant at the time the application is filed. The concept plan shall illustrate the following:

1. Location of site;
2. Proposed general nature and distribution of land uses but need not include engineered drawings;
3. Neighborhood;
4. All surrounding zoning; and
5. Proposed public or private capital improvements.

Petitioner: See attachment A-2.

3 : 3/20/98
2 : 7659.DOC
hf2

"(e) List previous rezonings and recommendations since the effective date of the Comprehensive Rezoning, within the neighborhood of the petitioned area, their case numbers, dates, and decisions."

Petitioner: None.

"(f) Map indicating woods, fields, streams, floodplains, non tidal wetlands, etc."

Petitioner: See Attachment A-3

"(g) Property deed, and a boundary survey prepared and sealed by a registered surveyor, including dimension of area requested to be rezoned if only a portion of the property."

Petitioner: See Attachments A-4 (Title Deed) and A-3

"(h) Private restrictions or covenants, if any, applicable to subject parcel."

Petitioner: None

"(i) Any agreements with individuals or associations in the neighborhood related to the proposed zoning shall be submitted."

Petitioner: None .

"(j) Availability of public water and sewer."

Petitioner: Public water and sewer are available to the property.

2:3/20/98
2:7716.DOC
hf2

ATTACHMENT TO APPLICATION OF MARY S. STREETT, ET. AL.,
LIST OF PERSONS HAVING LEGAL OR EQUITABLE INTEREST IN THE SUBJECT
PROPERTY

N/A other than owners.

Additional Information as Required by the Department of Planning and Zoning

- (4) All surrounding zoning.
- (5) Proposed public or private capital improvements.
- (e) Previous individual rezonings and recommendation since the effective date of the Comprehensive Rezoning, within the neighborhood of the petitioned area, their case numbers, dates, and decisions.
- (f) Environmental features map indicating woods, fields, streams, floodplains, non-tidal wetlands, etc.
- (g) Property deed and a boundary survey prepared and sealed by a registered surveyor, including dimension of area requested to be rezoned if only a portion of the property.
- (h) Private restrictions or covenants, if any, applicable to subject parcel.
- (i) Any agreements with individuals or associations in the neighborhood related to the proposed zoning shall be submitted.
- (j) Availability of public water and sewer.

- (a) Existing and proposed libraries, parks, schools, fire and police departments.
- (b) Demonstration of compatibility of the proposed use with existing and proposed development for the area.
- (c) Traffic impact study.
- (d) Economic and Environmental impact studies.
- (e) Estimated population for existing and proposed petitioned area and neighborhood, as defined.
- (f) Soils analysis.
- (g) Aerial photograph.

CASE NO. 089 MAP 40 TYPE Rezoning

ELECTION DISTRICT 3 LOCATION Bynum Road, East of Rt. 24, Forest Hill

BY Mary S. Street et al

Appealed because a rezoning pursuant to Section 267-12A of the Harford County Code to rezone 12.7 acres from a R2 District to a B2 District requires approval by the Board.

I/We do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing affidavit are true and correct to the best of my/our knowledge, information, and belief.

SEE ATTACHED

Signature of Applicant/Owner _____ Date _____

Witness _____ Date _____

Signature of Contract Purchaser/Owner _____ Date _____

Witness _____ Date _____

Signature of Attorney/Representative _____ Date 3/23/98

Witness _____ Date _____

Director of Planning and Zoning _____ Date _____

Zoning Staff _____ Date _____

Issue #	Date	C P C	Tax ID #	Map #	Grid	Parcel #	Property owner	Property location	Acres of parcel	Acres to rezone	CZ	RZ	PAB	P-Z	C C
030	10-14-96	BF	03058328		333E	191	James B. Reeves, Sr	2712 Johnson Mill Rd Forest Hill	52.08	52.08	AG	RR	AG	RR	RR
031	10-14-96	CC	03282880		414F	660, lot 1	Archdiocese of Balt Archbishop Wm. Keeler	1716 E. Churchville Rd	13.531	13.531	AG	R1	AG	R1	AG
032	10-14-96	BF	03060152		401E	134	Edward & Marilyn Sansom	1913 Rock Spring Rd Forest Hill	6.48	6.48	R2	B2	R2	R2	R2
033	10-14-96	CC	03056643		501B	2, lot 1	Susan Peverley	615 Shucks Road	277.73	135	AG	RR	AG	AG	AG
034	10-14-96	CC	03066878		413F	124	Robert S. Wagner & Hazel B. Wagner	1900 E. Churchville Rd	169.362	85.0	AG	R1	AG	R1(73) & RR(12)	R1 & RR
035	10-14-96	BF	03279723		332F	47, lot 1	Johnson Mill Farms Inc. (Joseph Diagart)	2623 Johnson Mill Rd Forest Hill	7.621	7.621	AG	RR	AG	AG	AG
036	10-14-96	BF	03279731		332F	47, lot 2	Johnson Mill Farms Inc. (Joseph Diagart)	2621 Johnson Mill Rd Forest Hill	7.449	7.449	AG	RR	AG	AG	AG
037	10-14-96	BF	03279758		332F	47, lot 3	Johnson Mill Farms Inc. (Joseph Diagart)	2619 Johnson Mill Rd Forest Hill	5.274	5.274	AG	RR	AG	AG	AG
038	10-14-96	BF	03279766		332F	47, lot 4	Johnson Mill Farms Inc. (Joseph Diagart)	2617 Johnson Mill Rd Forest Hill	4.512	4.512	AG	RR	AG	AG	AG
039	10-14-96	BF	03279774		332F	47, lot 5	Johnson Mill Farms Inc. (Joseph Diagart)	2615 Johnson Mill Rd Forest Hill	45.242	45.242	AG	RR	AG	AG	AG
040			03060195				WITHDRAWN	DECIDED BY HEARING EXAMINER							
040-1			03060195				WITHDRAWN	DECIDED BY HEARING EXAMINER							
041	10-14-96	BF	03305716		402F	166	Cann. at Spenceola Mary, C. Spencer, et al	215 Bynum Rd Forest Hill	1.07	1.07	CI	B3	CI	CI	CI
042	10-14-96	BF	03064271		402F	113	Mary, C. Spencer, & Richard Straat	Bynum Rd, Forest Hill East of Rt 24	62.70	13.12	R2	B3	B2	B2	B2
043	10-14-96	BF	01080636		571C	145	Estate of Arlie Rice (Roger Rice)	2029 N. Fountain Green Rd	.25	.25	B1	B2	B1	B1	B1
044	10-15-96	CC	03039722		423F	153	Kent R. Farrell Jr. & Susan Phipps	3021 Churchville Rd	53.555	34.0	VB, VR, B3 & AG	VB	VB (14) & AG	VB & AG	B3 & AG
045	10-15-96	CC	03051951		423F	154	Robert F. Wagner	3035 Churchville Rd	12.37	12.37	VB	B3	VB	VB	B3
046	10-15-96	CC	03057267		423E	257	Kent R. Farrell, Jr.	ES Rt. 136 Churchville	24.7	24.7	VB & AG	B3	VB	VB & AG	VB & AG
047	10-15-96	CC	03146847		423C	198	George & Jeanette Tittle	5 Corns Dr. Churchville	.65	.65	RR	VB	RR	RR	RR
048	10-15-96	CC	03035549		423C	204	George & Jeanette Tittle	2501 Churchville Rd Churchville	.303	.303	RR	VB	RR	RR	RR
049	10-15-96	BF	03069133		334D	98, lot A	Charles Wilson & Audrey Wilson	2408 Rocks Rd.	.442	.442	VR	VB	VR	VR	VB
050	10-15-96	BF	03069184		334D	99	R. Kent & Louise Wilson	2410 Rocks Rd Forest Hill	1.69	.39	VR	VB	VR	VR	VB
051	10-15-96	BF	03270793		263C	134, lot 3	Jeffrey Siler & Karen Siler	1337 Walters Mill Rd	14.4	14.4	AG	RR	AG	AG	AG
052	10-15-96	BF	03270785		263C	134, lot 2	Jeffrey Siler & Karen Siler	1335 Walters Mill Rd	2.38	2.38	AG	RR	AG	AG	AG